

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MISSOURI  
EASTERN DIVISION

LARRY M. DOOLEY,

Plaintiff,

vs.

MICHAEL J. ASTRUE,  
Commissioner of Social Security

Defendant.

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Case No. 4:08CV01113 ERW

**MEMORANDUM AND ORDER**

This matter is before the Court upon the Report and Recommendation of United States Magistrate Judge Audrey G. Fleissig [doc. #10], pursuant to 28 U.S.C. § 636(b).

The Court notes that no objections were filed to the Report and Recommendation within the time period afforded by 28 U.S.C. § 636(b)(1). The Court has considered the Report and Recommendation and hereby sustains, adopts and incorporates herein the Magistrate's Report and Recommendation in its entirety. The Social Security Commissioner's Motion to Dismiss is granted and Plaintiff's Complaint is dismissed with prejudice, as untimely.

Accordingly,

**IT IS HEREBY ORDERED** that Defendant's Motion to Dismiss [doc. #9] is **GRANTED**. Plaintiff's Complaint is **DISMISSED, with prejudice**.

Dated this 21st Day of May, 2009.



E. RICHARD WEBBER  
UNITED STATES DISTRICT JUDGE